

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	SECOND SUPERSEDING
	:	
v.	:	
	:	
CYE LEANCE FRASIER,	:	1:23CR124-1
also known as "The Barber"	:	
CARLISA RENEA ALLEN	:	1:23CR124-2

MOTION TO CONTINUE

NOW COMES the United States of America, by Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, through the undersigned Assistant United States Attorney, and moves to continue the above-captioned case from the September criminal term to the November criminal term. In support of this motion, the government states as follows:

1. The United States incorporates by reference and realleges the earlier Motion to Continue it filed in this matter on July 20, 2023. (Dkt. 38).
2. On March 15, 2023, federal complaints and arrest warrants were issued against Cye Leance Frasier (1:23MJ131-1) and Carlisa Renea Allen (1:23MJ132-1) charging each with drug trafficking offenses stemming from conduct that took place in February 2023. (Dkt. ## 1-4).
3. The initial investigation revealed that the drug activities of Frasier

and Allen were potentially related to two overdose deaths that occurred on or about March 9, 2023.

4. On March 16, 2023, George Crump was appointed to represent Allen (Dkt. # 7), and Charles White, II was appointed to represent Frasier. (Dkt. # 11).
5. On March 28, 2023, a grand jury for the Middle District of North Carolina returned an indictment charging Frasier and Allen with violations of 21 U.S.C. §§ 846, 841(a)(1)(b)(1)(C), and 843(b). (Dkt. # 21).
6. On April 11, 2023, the parties requested that the case be placed on the June 2023 criminal term, and the Court issued an Order granting the same. (Dkt. ## 28, 30).
7. On May 30, 2023, the grand jury for the Middle District of North Carolina returned a superseding indictment modifying the dates of the conspiracy charge and adding new charges, possession with intent to distribute fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and armed drug trafficking, in violation of 18 U.S.C. § 924(c)(1)(A)(i) and 2, related to conduct that took place during the arrest of Frasier and Allen on March 15, 2023. A Forfeiture allegation was also added. (Dkt. # 33).

8. On June 8, 2023, Frasier and Allen were arraigned on the superseding indictment and pleaded not guilty as to all charges. The Court granted the defendants' motion to schedule the matter for the August 2023 criminal term. (Dkt. # 36).
9. On July 20, 2023, the United States filed a motion to continue, primarily because it had not yet received the autopsy and toxicology reports it had requested. (Dkt. # 38). A hearing was scheduled for July 25, 2023. (Dkt. # 41). The Court granted the motion, and the case was placed on the September 2023 criminal term.
10. On July 25, 2023, Frasier's attorney filed a motion to withdraw. (Dkt. # 47). The motion was granted, and new counsel was to be appointed. (Dkt. #48).
11. On July 25, 2023, the United States received the autopsy and toxicology report for J.S.Z. indicating that his cause of death was a result of "cocaine and fentanyl toxicity."
12. On July 28, 2023, James Edward Quander was appointed counsel for Frasier. (Dkt. # 50).
13. On August 28, 2023, the grand jury for the Middle District of North Carolina returned a second superseding indictment as to Frasier and Allen that alleged their drug distribution caused the death of J.S.Z.

(Dkt. # 51). This new charged increased their imprisonment exposure from a mandatory minimum of 5 years to 20 years.

14. The new charge also necessitated additional discovery.
15. Mr. Quander is currently in trial on the Northern District of Georgia in case number 21CR231, that is likely to conclude this week.
16. Mr. Quander is counsel of record in two trials scheduled in this District. U.S. v. Smith (23CR158) scheduled for September 25, 2023, and U.S. v. Bowens (23CR77) scheduled for October 2, 2023.
17. One of the lead investigators in this case is scheduled to be married on October 21, 2023, and will be out of the country the last two weeks of October.
18. The primary investigator in the overdose death of J.S.Z. has trials scheduled for September 11, 2023 (N.C. v. Reynolds), October 9, 2023 (N.C. v. Frasier), and November 27, 2023 (N.C. v. Walton and Smith) in Wake County Superior Court.
19. The government has consulted with defense counsel for Frasier and Allen who both agree that a November trial date is appropriate in this case.
20. The undersigned submits that the ends of justice would be served by granting this extension, and that those ends outweigh the interest

of the public and the defendants in a speedy trial. Accordingly, the delay occasioned by granting this request should be excluded in computing the time within which the trial in this case should commence. 18 U.S.C. § 3161(h)(7)(A).

21. Moreover, a reasonable delay in the trial is appropriate where defendants are joined for trial 18 U.S.C. § 3161(h)(6). The United States intends to try both Frasier and Allen in a single trial.

Wherefore, the government requests that this Court continue the above-captioned matter from the September criminal term to the November criminal term. Further, the government requests that the trial of this matter be scheduled specifically on November 13, 2023.

This, the 5th day of September, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 5th, 2023, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will notify the following user:

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